

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/> JOSE LUIS RIVERA	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 17-4385
	:	
NANCY A. BERRYHILL, ACTING	:	
COMMISSIONER OF SOCIAL SECURITY	:	
Defendant.	:	
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ORDER

AND NOW, this 7th day of May 2019, upon careful and independent consideration of Plaintiff's Request for Review, the response and reply thereto, the administrative record, and the Report and Recommendation ("R&R") of United States Magistrate Judge Lynne A. Sitarski, to which no objections have been filed, it is hereby **ORDERED** that:

1. The Clerk is directed to **REMOVE** the case from Civil Suspende;
2. The R&R [Doc. No. 16] is **APPROVED** and **ADOPTED**¹; and
3. Plaintiff's Request for Review [Doc. No. 11] is **GRANTED**, and this matter is **REMANDED** to the Commissioner for further review pursuant to the fourth sentence of 42 U.S.C. § 405(g).

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

¹ The Court agrees with the conclusions of the detailed R&R, including that the Administrative Law Judge ("ALJ") failed to give good reasons for his decision to afford little weight to the opinion of the treating psychiatrist, Dr. Smith, and that the residual functional capacity assessment incorporated without explanation a reasoning level more advanced than that determined by the non-examining psychological consultant, Dr. Croyle, even though the ALJ assigned great weight to Dr. Croyle's opinion. The Court also notes that the ALJ provided no explanation for the decision to assign great weight to Dr. Croyle's opinion other than the single statement that Dr. Croyle "has program knowledge and his opinion is consistent with the record as a whole." R. 23. The case will be remanded for the ALJ to provide a full explanation of the basis for his decision, and for such other proceedings as may be appropriate.